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Patent
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

🎮 🖟 🏝 (s): Keiji YADA, et al. 💮) Re: In

Re: Information Disclosure

Statement

Serial No.: 10/719,008) Group: not yet assigned

) Examiner: not yet assigned

) Our Ref: B-5309 621525-5

For: "X-RAY MICROSCOPIC INSPECTION

APPARATUS"

) Date: October 22, 2004

Commissioner for Patents P.O. Box 1450 Alexandria VA, 22313-1450

Filed: November 21, 2003

Sir:

In accordance with the Applicants' duty to disclose information which may be material to the examination of this application, the undersigned respectfully requests that the Examiner consider on the merits the documents listed on the enclosed Form PTO-1449 (modified) before issuing the first Office Action on the merits. Copies of the foreign patent documents and the non-patent publications listed on the enclosed Form PTO-1449 (modified) are enclosed herewith for the Examiner's convenience. Copies of the U.S. patent documents listed on the enclosed Form PTO-1449 (modified) are not enclosed, pursuant to Deputy Commissioner Stephen G. Kunin's Pre OG Notice dated July 11, 2003.

The documents listed on the enclosed Form PTO-1449 (modified) include those cited in the European Search Report for the corresponding European Patent Application No. EP 04001490.4. A copy of the Search Report (6 pages) is enclosed herewith.

German Document No. 100 29 840 is not in English. A concise English-language explanation of the relevance of German Document No. 100 29 840 can be found in the enclosed English-language abstract.

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The filing of this Information Disclosure Statement (IDS) shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The Applicants believe that this IDS is being submitted before the issuance of a first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance. Therefore, no official fees should be due; and this IDS should be considered on the merits. If this IDS is being submitted after the issuance of the first Office Action on the merits and before the issuance of a Final Rejection or Notice of Allowance, please contact the undersigned to authorize a payment of \$180.00 (or any other required amount), which is the fee set forth in 37 C.F.R. § 1.97(c), if the Examiner believes that such a fee is due in order for this IDS to be considered on the merits.

The filing of this Information Disclosure Statement shall not be construed as an admission against interest in any manner. (Notice of January 9, 1992, 1135 O.G. 13-25, at 25.)

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The person making this statement is the practitioner who signs below on the basis of information supplied by an individual associated with the filing and prosecution of this application (37 C.F.R. § 1.56(c)) and on the basis of information in the practitioner's file.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450",

on October 22, 2004 by Shana Morda.

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Robert Popa Attorney for Applicant Reg. No. 43,010

Respectfully submitted,

LADAS & PARRY 5670 Wilshire Boulevard Suite 2100 Los Angeles, CA 90036 (323) 934-2300

Enclosures: Form PTO-1449 (modified) (1 page)

Copy of Search Report for EP 04001490.4 (6 pages) Copy of Non-U.S Patent documents listed on Form PTO-

1449 (modified)

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| Form PTO-1449 (Modified) | ATTY DOCKET NO. B-5309 621525-5 | U.S. SERIAL NO. 10/719,008 | |
|--|---|-------------------------------|--|
| LIST OF PATENTS AND PUBLICATIONS STATEMENT | APPLICANTS Keiji YADA, et al. | | |
| STATEMENT | FILING DATE November 21, 2003 | GROUP not yet assigned | |

U.S. PATENT DOCUMENTS

| EXAMINER INITIAL | DOCUMENT NUMBER | ISSUE DATE | NAME | CLASS | SUB- CLASS | FILING DATE or 102(e) DATE IF APPROPRIATE |
|---------------------|-----------------|---------------|--------------|-------|---------------|--|
| | 5,602,899 | 2/1997 | Larson | 378 | 143 | |
| | 6,282,263 B1 | 8/2001 | Arndt et al. | 378 | 138 | |
| | 2001/0001010 A1 | 5/2001 | Wilkins | 378 | 43 | |

FOREIGN PATENT DOCUMENTS

| DOCUMENT NUMBER | PUBLICATION DATE | COUNTRY | CLASS | SUBCLASS | TRANSLATION YES/NO |
|-----------------|---------------------|---------|-------|----------|-----------------------|
| 100 29 840 | 1/2001 | DE | | | abstract |
| 0 473 227 A2 | 3/1992 | EP | | | |
| 735,943 | 8/1955 | GB | | | |
| 2 131 224 | 6/1974 | GB | | | |
| 01/15192 A1 | 3/2001 | WO | | | |
| 03/065772 A2 | 8/2003 | WO | | | |

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

| <u>EXAMINER</u> | DATE CONSIDERED |
|-----------------|-----------------|
| | |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 603: Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.